

Ontario Air and Noise Best Practices

Topic	Joint Facilities	Date: May 4, 2012 Version 2.0
Purpose	Identify ways of handling multiple operations/facilities which are considered a single property	Page 1 of 4

In order for two or more facilities to be able to be considered adjacent properties under section 4 of Ontario Regulation 419/05: Air Pollution – Local Air Quality (O.Reg. 419/05), the property boundaries for the facilities must be touching each other. Highways, road allowances, railway lines, railway allowances and utility corridors between the properties do not affect the ability of the properties to be considered adjacent. Figure 1 includes examples of properties which are and are not considered adjacent properties.



Figure 1
Examples of Adjacent Properties

- Facility A is adjacent to Facility B
- Facility A is adjacent to Facility C
- Facility A is adjacent to Facility D
- Facility A is adjacent to Facility E
- Facility B is adjacent to Facility C
- Facility B is adjacent to Facility D
- Facility B is not adjacent to Facility E
- Facility C is adjacent to Facility D
- Facility C is not adjacent to Facility E
- Facility D is adjacent to Facility E

Adjacent properties are only considered to be a single property, for the purposes of O.Reg. 419/05, if every property on which a source of contaminant is located:

- uses raw materials, products or services from one or more of the other properties on which the sources of contaminant are located; or
- provides raw materials, products or services to one or more of the other properties on which the sources of contaminant are located.

This joint facility approach where multiple adjacent properties are deemed to be a single property can be initiated by either the facilities themselves or by the Ministry of the Environment (MOE). Details of each method are outlined on the following page.

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Initiated by the Facilities:

- The facilities have jointly notified the MOE in writing that they wish the properties to be deemed a single property.
- Directors under section 4 of O.Reg. 419/05 are situated in the Environmental Assessment and Approvals Branch (EAAB), the local District Offices and Standards Development Branch (SDB).
- For the purposes of an Emission Summary and Dispersion Modelling (ESDM) report prepared in support of an application for a Environmental Compliance Approval (ECA), the joint request should be submitted to the Ministry of the Environment, Director O.Reg. 419/05 s.4, Environmental Assessment and Approvals Branch, 2 St. Clair Avenue West, Floor 12A, Toronto, Ontario, M4V 1L5.
- There is currently no official form for submitting this joint notice.
- The request should include contact information and site information (similar to the applicant information/physical address and site information on the ECA application form) for the various facilities which are the subject of the request.
- Upon receipt of a joint notice, the MOE will generate an Acknowledgment Letter to various facilities identified in the joint notice.
- The facilities are not considered to be a single property until 60 days after the MOE receives the notice.
- If the MOE has reasonable grounds to believe that an adverse effect may occur if one or more properties were excluded from the single property, the MOE may choose to issue a draft notice that will in effect not allow single property status. The MOE is required to provide a copy of the draft notice to the facilities and allow the facilities 30 days to comment in writing. After taking the written comments from the facilities into consideration, the MOE will issue the final notice. Once the final notice is issued, the properties would be considered individual properties (i.e., not a single property). The final notice is not appealable.
- The workflow for joint facilities when it is initiated by the facilities themselves is included in Figure 2 on the following page.

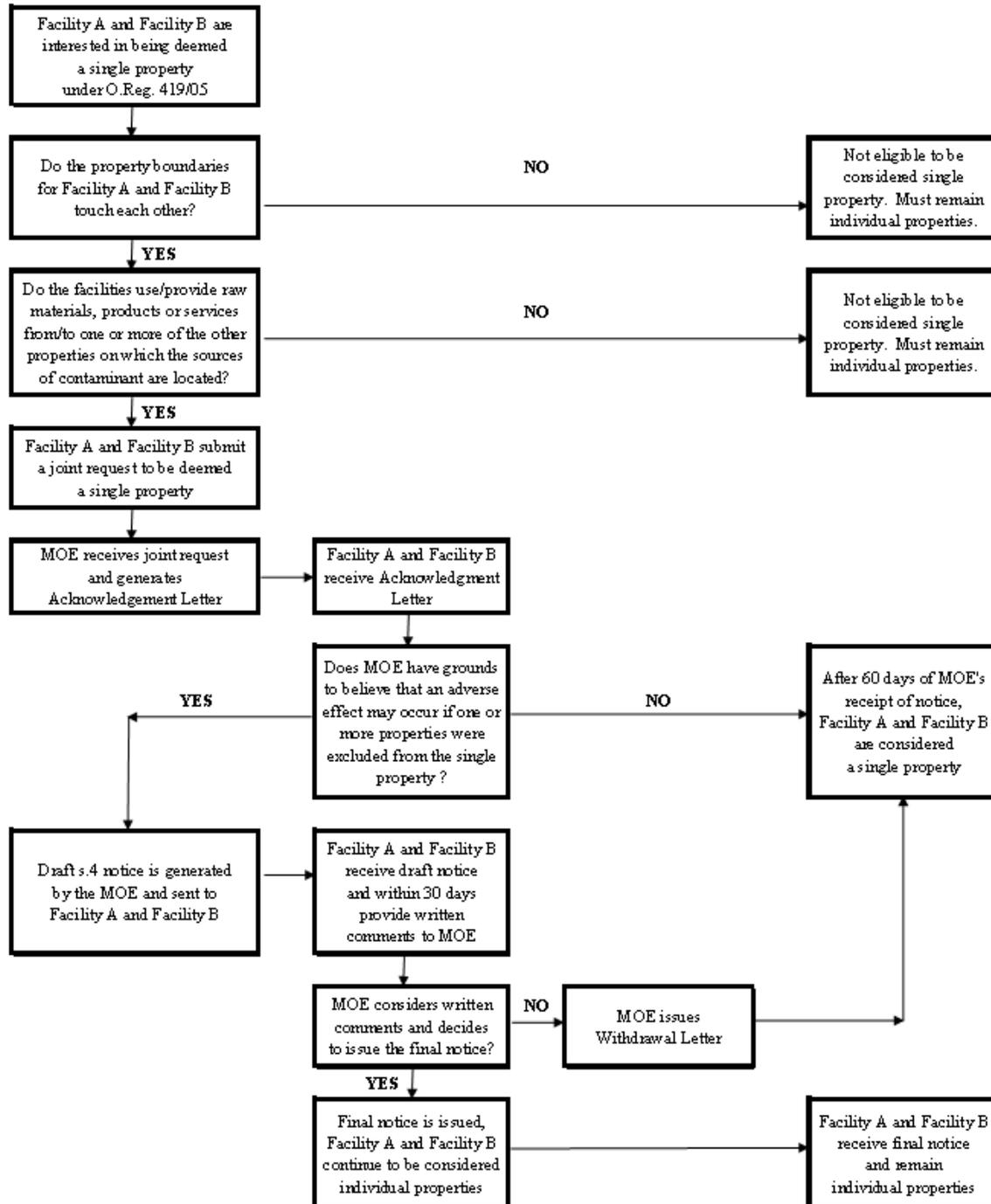
Initiated by the MOE:

- If the MOE has grounds to believe that an air standard or guideline may be exceeded as a result of discharges of a contaminant from different properties the MOE may require the properties to be deemed a single property through a notice.
- The MOE is required to provide a copy of the draft notice to the facilities and allow the facilities 30 days to comment in writing.
- After taking the written comments from the facilities into consideration, the MOE will issue the final notice.
- Once the final notice is issued, the properties are deemed to be a single property.

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Figure 2 - Workflow for Joint Facilities (Initiated by the Facilities)



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Once the facilities have been deemed a single property, then all sources from the joint facilities should be assessed in aggregate. The joint facilities should produce a joint Emission Summary and Dispersion Modelling (ESDM) report documenting site-wide emissions of all contaminants. The property boundary now encompasses all of the properties identified in the notice. The joint ESDM report may exclude the portions of the highways, road allowances, railway lines, railway allowances and utility corridors between the adjacent properties as Points of Impingement (POIs).

Each facility is responsible for their own Environmental Compliance Approval (ECA) under section 9 of the *Environmental Protection Act*, however the ESDM report which is submitted in support of a ECA application should include site-wide emissions (for the combined properties) of all contaminants relevant to the ECA application.

Once the properties have been deemed to be a single property, the discharges will be considered to be emitting from the combined facilities. Therefore, each of the facilities can be held responsible for an exceedence of a standard or guideline.

Examples of where joint facilities may apply include:

- A facility leasing space to another facility (which is integral to the operation of the other facility) within its property boundary. For example a separately owned crushing operation within a quarry;
- A reorganization of a company results in two separate business entities that share processes;
- Bankruptcy results in a receiver splitting plant assets into two facilities that share processes;
- There is an adjacent power producer providing power to a facility; and
- Two adjacent properties enter into an agreement to provide each other with common services and to shut down some existing equipment on the respective sites.

Section 4 of O.Reg. 419/05 can be accessed through the MOE's website at <http://www.e-laws.gov.on.ca/navigation?file=home&Lang=en>

If further assistance is required please contact the Air and /or Noise Duty Officers at the Environmental Assessment and Approvals Branch at 1-800-461-6290.